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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,061	12/20/2000	Jyh-Han Lin	CM03276J	7954

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
8000 WEST SUNRISE BLVD
FT LAUDERDAL, FL 33322

EXAMINER

ADAMS, JONATHAN R

- ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,061

Applicant(s)

LIN ET AL.

Examiner

Jonathan R Adams

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 13, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over "Protecting Office Documents from Macro Viruses" (hereafter referred to as PODMV) in view of Traw et al., US Patent No. 5949877 (hereafter referred to as '877).

As to claims 1, 5, and 13:

3. PODMV teaches a digital certificate methods including a development software certification system comprising:

- Sending a request for a development certificate to public certificate authority / Applicant for a digital certificate (Page 8, Line 27, PODMV)
- Receiving a development certificate / Certification authority issues your digital certificate (Page 3, Line 18, PODMV)
- Certificate specifying the developer identifier / Digital certificate contains information about who the certificate was issued to (Page 3, Line 20, PODMV)
- Certificate specifying the development parameter / the certifying authority timestamps the key pair (Page 3, Line 41, PODMV)

- Signing a software application with the development certificate / Digitally sign VBA projects (Page 2, Line 5, PODMV)
- Loading the signed software application onto the portable device / It is inherent to PODMV that the software is loaded and installed on the end user machine
- Portable device authenticating the development certificate with certificate authority / the certifying authority timestamps the key pair (Page 3, Line 41, PODMV), the certifying authority timestamp must be verified using the certificate authority
- Executing the software application if certificate and development parameter is valid / Any signature applied after the digital certificate expires is invalid (Page 3, Line 46, PODMV), MS office applications can verify a digital signature, and automatically disable macros that are invalid (Page 4, Line 35, PODMV) project macros with valid signatures may be executed

4. PODMV does not teach for the certificate to pertain to a specific device, where the request and the certificate would contain a device identifier. '877 teaches a digital certificate issued by a certificate authority for use with a specific device specified by a unique device identifier (Col. 6, Line 24, '877). It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the unique device identifier of '877 with the digital certificate methods of PODMV. One of ordinary skill in the art would have been motivated to combine the unique device identifier of '877 with the digital certificate methods of PODMV because unique device identifiers can be used to further check system compliance (Col 5, Line 39, '877) to aid in increased functionality.

5. Not specifically taught in PODMV as modified above is for the request for a development certificate to include a digital certificate of the developer used as an ID. PODMV further teaches the use of digital certificates as an electronic counter part of an ID card. It would have been obvious to a person of ordinary skill in the art at the time of invention to use the Identification digital certificate listed in PODMV to identify the potential developer for the developer digital certificate. One of ordinary skill in the art would have been motivated to use the Identification digital certificate listed in PODMV to identify the potential developer for the developer digital certificate because using secure electronic identification to obtain an alternate developers ID would be a convenient expedient method for identifying the certificate requesting developer.

6. Further, PODMV as modified above does not explicitly teach for the development content to be for a portable device. The examiner takes official notice as to using a portable device to use the development content. It would have been obvious to a person of ordinary skill in the art at the time of invention to use a portable device with the development content. One of ordinary skill in the art would have been motivated to use a portable device with the development content because it is very well known that devices considered to be portable have equivalent functionality to other devices.

7. As to claims 2, 6, and 14:

Development parameter includes validity period / the certifying authority timestamps the key pair (Page 3, Line 41, PODMV)

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8. Claims 3, 8, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over PODMV in view of '877 in further view of Bowman et al., US Patent No 6460163 (hereafter referred to as '163).

As to claims 3, 8, and 16:

9. PODMV as modified above teaches a method for distributing developed content using digital certificates to indicate access authentication further using content development distribution parameters. PODMV does not teach to use a download counter as a content development distribution parameter. '163 teaches a developed content distribution system using distribution parameters including a limit on the number of downloads (Col 2, Line 17, '163). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the limit on the number of downloads distribution parameter in '163 with the method for distributing developed content of PODMV. One of ordinary skill in the art would have been motivated to use the limit on the number of downloads distribution parameter in '163 with the method for distributing developed content of PODMV because limiting the number of downloads would help reduce the chance that the content would be obsolete.

10. Claims 4, 7, 9-12, 15, 17, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over PODMV in view of '877 in further view of '163 in further view of Beacon-Wireless.

11. As to claims 4, 9, and 17:

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PODMV as modified above teaches a method for distributing developed content via internet using digital certificates to indicate access authentication further using content development distribution parameters and. PODMV does not teach using wireless Internet for data communications. Beacon-Wireless teaches a wireless Internet data communication system for loading data. It would have been obvious to a person of ordinary skill in the art at the time of invention to use the wireless Internet system with the invention of PODMV as modified above. One of ordinary skill in the art would have been motivated to because these Internet systems are compatible and provide more flexibility with portable devices.

12. As to claims 7 and 15:

Certificate includes time of day development parameter / the certifying authority timestamps the key pair (Page 3, Line 41, PODMV)

13. As to claims 10 and 18:

Generating the development certificate when the device identifier is an international mobile equipment identifier / It is inherent to the invention of PODMV as modified above that a development certificate be generated regardless of status of having an international mobile equipment identifier

14. As to claim 11:

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Disabling software if authenticating fails / Automatically disable macros that are invalid
(Page 4, Line 35, PODMV)

15. As to claim 12:

Signing software in a byte code format / It is inherent to the invention of PODMV that the digital certificate be in a byte code format

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (703) 305-8894. The examiner can normally be reached on Monday – Friday from 10am to 6pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100